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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

Case No. VN-2008-810

MARIA TERESA V. PAGADUAN  
7108 Santa Paula Circle  
Buena Park, CA 90620

Applicant for Vocational Nurse License

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on October 25, 2009.

IT IS SO ORDERED this 25<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
John P. Vertido, L.V.N.  
President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
Deputy Attorney General  
4 State Bar No. 131767  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2078  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **MARIA TERESA V. PAGADUAN,**

14 **7108 Santa Paula Circle**  
15 **Buena Park, CA 90620**

16 Respondent.

Case No. VN-2008-810

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the  
22 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her  
23 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of  
24 the State of California, by Sherry L. Ledakis, Deputy Attorney General.

25 2. Respondent Maria Teresa V. Pagaduan, respondent, is represented in this proceeding  
26 by attorney Meredyth Atkinson, Esq., whose address is 2034 East Lincoln #123, Anaheim, CA  
27 92806.

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3. On or about March 30, 2007, respondent filed an application dated November 17, 2006, with the Board of Vocational Nursing and Psychiatric Technicians to take the licensing examination, but her test results were canceled and she applied for a “re-examination” for a vocational nurse license on January 23, 2008. The board denied the application on December 3, 2008.

## JURISDICTION

4. Statement of Issues No. VN-2008-810 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board) , Department of Consumer Affairs, and is currently pending against respondent. The Statement of Issues and all other statutorily required documents were properly served on respondent on May 4, 2009. A copy of Statement of Issues No. VN-2008-810 is attached as exhibit A and incorporated herein by reference.

## ADVICE AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. VN-2008-810. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. VN-2008-810.

9. Respondent agrees that her License Application is subject to denial and she agrees to be bound by the Board of Vocational Nursing and Psychiatric Technicians (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Vocational Nursing and Psychiatric Technicians or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent or her counsel. By signing the stipulation, respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that upon completion of all other licensing requirements, respondent Maria Teresa V. Pagaduan, will be issued a license as a Licensed Vocational Nurse

1 and said license shall be automatically revoked. The revocation will be stayed and the respondent  
2 placed on three (3) years probation on the following terms and conditions.

3 1. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws,  
4 including all statutes and regulations governing the license. Respondent shall submit, in writing, a  
5 full and detailed account of any and all violations of the law, including alleged violations, to the  
6 Board within five (5) days of occurrence.

7 To ensure compliance with this condition, respondent shall submit fingerprints through the  
8 Department of Justice and Federal Bureau of Investigation within thirty (30) days of the effective  
9 date of the decision, unless the Board determines that fingerprints were previously submitted by  
10 the respondent to the Board.

11 Respondent shall also submit to the Board a recent 2" x 2" photograph of herself within  
12 thirty (30) days of the effective date of the decision.

13 If respondent is under a criminal court order, including probation or parole, and the order is  
14 violated, it shall be deemed a violation of these probation conditions.

15 2. **COMPLIANCE WITH PROBATION PROGRAM.** Respondent shall fully  
16 comply with the conditions of probation established by the Board and shall cooperate with  
17 representatives of the Board in its monitoring and investigation of the respondent's compliance  
18 with the Probation Program.

19 Upon successful completion of probation, the respondent's license will be fully restored.

20 3. **SUBMIT WRITTEN REPORTS.** Respondent shall submit or cause to be  
21 submitted, under penalty of perjury, any written reports, declarations and verification of actions  
22 as required by the Board or its representatives. These reports or declarations shall contain  
23 statements relative to respondent's compliance with all the conditions of the Board's Program.  
24 Respondent shall immediately execute all release of information forms as may be required by the  
25 Board or its representatives.

26 In the first report, respondent shall provide a list of all states and territories where she has  
27 ever been licensed as a vocational/practical nurse, psychiatric technician, or registered nurse.

28 Respondent shall provide information regarding the status of each license and any change in

license status during the period of probation. Respondent shall inform the Board if she applies for or obtains a new nursing or psychiatric technician license during the period of probation.

Respondent shall provide a copy of the Board's decision to the regulatory agency in every state and territory in which she has applied for or holds a vocational/practical nurse, psychiatric technician and/or registered nurse license.

**4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S).**

Respondent shall notify the Board, in writing, within five (5) days of any change in address or telephone number(s).

Respondent's failure to claim mail sent by the Board may be deemed a violation of these probation conditions.

**5. NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF STATE.**

Respondent shall notify the Board, in writing, within five (5) days, if she leaves California to reside or practice in another state. Periods of residency or practice outside of California shall not apply toward a reduction of this probation time period. If respondent resides or practices outside of California, the period of probation shall be automatically extended for the same time period she resides or practices outside of California. The respondent shall provide written notice to the Board within five (5) days of any change of residency or practice.

Respondent shall notify the Board, in writing, within five (5) days, upon her return to California.

**6. MEETINGS WITH BOARD REPRESENTATIVE(S).** Respondent shall appear

in person at meetings as directed by the Board or its designated representatives.

**7. NOTIFICATION TO EMPLOYER(S).** When currently employed or applying for

employment in any capacity in any health care profession, respondent shall notify her employer of the probationary status of respondent's license. This notification to the respondent's current health care employer shall occur no later than the effective date of the Decision. The respondent shall notify any prospective health care employer of she probationary status with the Board prior to accepting such employment. At a minimum, this notification shall be accomplished by

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1 providing the employer or prospective employer with a copy of the Board's Statement of Issues  
2 and Disciplinary Decision.

3 The Health Care Profession includes, but is not limited to: Licensed Vocational Nurse,  
4 Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency Medical  
5 Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary technical  
6 health care positions.

7 Respondent shall cause each health care employer to submit to the Board all performance  
8 evaluations and any other employment related reports as required by the Board. Respondent shall  
9 notify the Board, in writing, of any difficulty in securing employer reports within five (5) days of  
10 such an event.

11 Respondent shall notify the Board, in writing, within five (5) days of any change in  
12 employment status. Respondent shall notify the Board, in writing, if she is terminated or  
13 separated, regardless of cause, from any nursing or health care related employment with a full  
14 explanation of the circumstances surrounding the termination or separation.

15 **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS.** Respondent shall  
16 work in her licensed capacity in the state of California. This practice shall consist of no less than  
17 six (6) continuous months and of no less than twenty (20) hours per week.

18 Respondent shall not work for a nurses' registry or in any private duty position, a temporary  
19 nurse placement agency, as a faculty member in an accredited or approved school of nursing, or  
20 as an instructor in a Board approved continuing education course except as approved, in writing,  
21 by the Board. Respondent shall work only on a regularly assigned, identified and predetermined  
22 work site(s) and shall not work in a float capacity except as approved, in writing, by the Board.

23 **9. SUPERVISION REQUIREMENTS.** Before commencing or continuing  
24 employment in any health care profession, respondent shall obtain approval from the Board of the  
25 supervision provided to the respondent while employed.

26 Respondent shall not function as a charge nurse (i.e., work in any healthcare setting as the  
27 person who oversees or directs licensed vocational nurses, psychiatric technicians, certified

28 ///

nursing assistants or unlicensed assistive personnel) or supervising psychiatric technician during the period of probation except as approved, in writing, by the Board.

10. **COMPLETION OF EDUCATIONAL COURSE(S).** Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation.

The coursework shall be in addition to that required for license renewal. The Board shall notify the respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, respondent shall submit "original" completion certificates to the Board within thirty (30) days of course completion.

11. **MAINTENANCE OF VALID LICENSE.** Respondent shall, at all times, maintain an active current license with the Board including any period of suspension.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board's decision.

Should respondent's license expire, by operation of law or otherwise, upon renewal or reinstatement, respondent's license shall be subject to any and all conditions of this probation not previously satisfied.

12. **LICENSE SURRENDER.** During probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request without further hearing. Upon formal acceptance of the tendered license, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A licensee who surrenders her license may



1 petition the Board for reinstatement no sooner than the following minimum periods from the  
2 effective date of the disciplinary decision for the surrender:


3 Three (3) years for reinstatement of a license surrendered for any reason other than a mental  
4 or physical illness; or One (1) year for a license surrendered for a mental or physical illness.

5 13. **VIOLATION OF PROBATION.** If respondent violates the conditions of her  
6 probation, the Board, after giving the respondent notice and an opportunity to be heard, may set  
7 aside the stay order and impose the stayed discipline (denial/revocation/suspension) of the  
8 respondent's license. If during probation, an accusation or petition to revoke probation has been  
9 filed against the respondent's license or the Attorney General's Office has been requested to  
10 prepare an accusation or petition to revoke probation against the respondent's license, the  
11 probationary period shall automatically be extended and shall not expire until the accusation or  
12 petition has been acted upon by the Board.

13 ACCEPTANCE

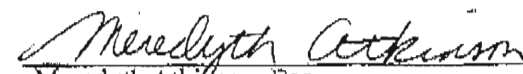
14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
15 discussed it with my attorney, Meredyth Atkinson, Esq.. I understand the stipulation and the  
16 effect it will have on my License. I enter into this Stipulated Settlement and Disciplinary Order  
17 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
18 Board of Vocational Nursing and Psychiatric Technicians.

19  
20 DATED: 8-15-09

  
21 MARIA TERESA V. PAGADUAN  
Respondent

22 I have read and fully discussed with respondent Maria Teresa V. Pagaduan, the terms and  
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
24 I approve its form and content.

25  
26  
27 DATED: 8/15/09

  
28 Meredyth Atkinson, Esq.  
Attorney for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of  
4 the Department of Consumer Affairs.

5 Dated: August 24, 2009

6 Respectfully Submitted,

7 EDMUND G. BROWN JR.  
8 Attorney General of California  
9 LINDA K. SCHNEIDER  
10 Supervising Deputy Attorney General

11 

12 SHERRY L. LEDAKIS  
13 Deputy Attorney General  
14 *Attorneys for Complainant*

15 SD2009803750  
16 Stipulation.rtf  
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## **Exhibit A**

**Statement of Issues No. VN-2008-810**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS, State Bar No. 131767  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5 P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2078  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. VN-2008-810

13 MARIA TERESA V. PAGADUAN  
7108 Santa Paula Circle  
14 Buena Park, CA 90620

**STATEMENT OF ISSUES**

15  
16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Statement of Issues solely in her official capacity as the Executive Officer of the Board of  
21 Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about November 17, 2006, the Board of Vocational Nursing and  
23 Psychiatric Technicians, received an application for a license as a Licensed Vocational Nurse  
24 from Maria Teresa V. Pagaduan, (Respondent). Thereafter, respondent took the licensing  
25 examination, but her test results were canceled and thereafter, she applied for a "re-examination"  
26 for a vocational nurse license. On January 23, 2008, respondent certified under penalty of  
27 perjury to the truthfulness of all statements, answers, and representations in the application. The

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1 Board denied the application on December 3, 2008. On January 26, 2009, respondent requested  
2 a hearing on the denial.

3 JURISDICTION AND STATUTORY PROVISIONS

4 3. This Statement of Issues is brought before the Board of Vocational  
5 Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the  
6 authority of the following laws. All section references are to the Business and Professions Code  
7 unless otherwise indicated.

8 4. Section 480 of the Code states:

9 (a) A board may deny a license regulated by this code on the grounds that  
10 the applicant has one of the following:

11 ...

12 (3) (A) Done any act that if done by a licentiate of the business or profession in  
question, would be grounds for suspension or revocation of license.

13 (B) The board may deny a license pursuant to this subdivision only if  
14 the crime or act is substantially related to the qualifications, functions, or duties of  
the business or profession for which application is made.

15 ....

16 5. Section 496 of the Code states:

17 A board may deny, suspend, revoke, or otherwise restrict a license on the  
18 ground that an applicant or licensee has violated Section 123 pertaining to the  
19 subversion of licensing examinations.

20 6. Section 123 of the Code states:

21 It is a misdemeanor for any person to engage in any conduct which  
22 subverts or attempts to subvert any licensing examination or the administration of  
an examination, including, but not limited to:

23 ...

24 (b) Communicating with any other examinee during the administration of  
25 a licensing examination; copying answers from another examinee or permitting  
one's answers to be copied by another examinee; having in one's possession  
26 during the administration of the licensing examination any books, equipment,  
notes, written or printed materials, or data of any kind, other than the examination  
27 materials distributed, or otherwise authorized to be in one's possession during the  
examination; or impersonating any examinee or having an impersonator take the  
28 licensing examination on one's behalf. Nothing in this section shall preclude  
prosecution under the authority provided for in any other provision of law. In

1 addition to any other penalties, a person found guilty of violating this section,  
2 shall be liable for the actual damages sustained by the agency administering the  
3 examination not to exceed ten thousand dollars (\$10,000) and the costs of  
4 litigation.

5 7. Section 480(a)(2) of the Code states:

6 (a) A board may deny a license regulated by this code on the grounds that  
7 the applicant has one of the following:

8 ...

9 (2) Done any act involving dishonesty, fraud or deceit with the intent to  
10 substantially benefit himself or another, or substantially injure another.

11 ....

12 8. Section 2878 of the Code states:

13 The Board may suspend or revoke a license issued under this chapter [the  
14 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of  
15 the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the  
17 following:

18 ...

19 (j) The commission of any act involving dishonesty, when that action is  
20 related to the duties and functions of the licensee.

21 ....

22 9. California Code of Regulations, title 16 section 2522 states:

23 When considering a) the denial of a license under Section 480 of the  
24 Business and Professions Code, . . . the Board in evaluating the rehabilitation of  
25 an individual and his or her present eligibility for a license, will consider the  
26 following criteria:

27 (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.

28 (2) Actual or potential harm to the public.

(3) Actual or potential harm to any patient.

(4) Overall disciplinary record.

(5) Overall criminal actions taken by any federal, state or local agency or court.

(6) Prior warnings on record or prior remediation.

1 (7) Number and/or variety of current violations.

2 (8) Mitigation evidence.

3 (9) In case of a criminal conviction, compliance with terms of sentence and/or court-  
4 ordered probation.

5 (10) Time passed since the act(s) or offense(s) occurred.

6 (11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal  
7 Code section 1203.4.

8 (12) Cooperation with the Board and other law enforcement or regulatory agencies.

9 (13) Other rehabilitation evidence.

### 10 FIRST CAUSE FOR DENIAL OF APPLICATION

#### 11 (Subversion of Licensing Examination)

12 10. Respondent's application is subject to denial under section 496 of the  
13 Code in that she subverted a licensing examination by reviewing her nursing notes during a  
14 break in the examination, as more fully set forth below:

15 11. On or about November 17, 2006, respondent applied to take the licensed  
16 vocational nurse examination.

17 12. On June 19, 2007, respondent arrived at the Pearson Professional Center  
18 in Anaheim, California, to take the licensing examination administered by the National Council  
19 of State Boards of Nursing, (NCSBN).

20 13. Prior to taking the test, respondent was provided with information setting  
21 forth the Candidate Rules of Conduct for taking the examination. This information states that it  
22 is a violation of the NCSBN rules for an applicant to review any study aids, including but not  
23 limited to textbooks, notebooks, or classroom notes during the examination, or during any break  
24 in the examination. Respondent signed a digital signature pad indicating she understood the  
25 rules and would comply with them.

26 14. During a break in the examination, respondent was observed by two  
27 NCSBN proctors reviewing notes in violation of the rules. The notes were confiscated. When  
28 confronted, respondent stated she did not realize she could not review her notes during a break in  
the examination. Respondent was allowed to complete the examination.

1 15. As a result of respondent's violation of the rules, the NCSBN canceled her  
2 examination results and notified the Board of its action.

3 16. On January 23, 2008, respondent submitted an application for a "Re-  
4 Examination" for licensure as a licensed vocational nurse.

5 17. On December 3, 2008, the Board denied respondent's application for  
6 licensure based upon her actions during the prior examination.

7 18. On January 26, 2009, respondent requested a hearing on the denial of her  
8 application for licensure.

9 SECOND CAUSE FOR DENIAL OF APPLICATION

10 (Dishonesty, Fraud or Deceit With Intent to Benefit Self)

11 19. Respondent's application is subject to denial under section 480(a)(2), in  
12 that she committed acts of dishonesty, fraud or deceit with the intent to substantially benefit  
13 herself, as set forth above in paragraphs 11 through 18.

14 THIRD CAUSE FOR DENIAL OF APPLICATION

15 (Unprofessional Conduct for Dishonesty)

16 20. Respondent's application is subject to denial under section 480(a)(3) and  
17 2878(j), in that she committed unprofessional conduct by an act of dishonesty by reviewing her  
18 study notes after the examination had started, as set forth above in paragraphs 11 through 18.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
21 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
22 Technicians issue a decision:

23 1. Denying the application of Maria Teresa V. Pagaduan, for a License as a  
24 Licensed Vocational Nurse;

25 ///

26 ///


27 ///

28 ///



2. Taking such other and further action as deemed necessary and proper.

DATED: April 24, 2009

  
TERESA BELLO-JONES, J.D., M.S.  
Executive Officer

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

SD2009803750

Pagaduan soi.wpd